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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

TOM FORESE – Chairman
BOB BURNS
DOUG LITTLE
ANDY TOBIN
BOYD W. DUNN

REC'D
AZ CORP COMMISSION
DOCKET CO.

FEB 24 2017

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DOCKETED BY
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IN THE MATTER OF THE APPLICATION OF
ARIZONA PUBLIC SERVICE COMPANY FOR A
HEARING TO DETERMINE THE FAIR VALUE OF
THE UTILITY PROPERTY OF THE COMPANY
FOR RATEMAKING PURPOSES, TO FIX A JUST
AND REASONABLE RATE OF RETURN
THEREON, TO APPROVE RATE SCHEDULES
DESIGNED TO DEVELOP SUCH RETURN.

DOCKET NO. E-01345A-16-0036

IN THE MATTER OF FUEL AND PURCHASED
POWER PROCUREMENT AUDITS FOR ARIZONA
PUBLIC SERVICE COMPANY.

DOCKET NO. E-01345A-16-0123

PROCEDURAL ORDER

BY THE COMMISSION:

On June 1, 2016, Arizona Public Service Company ("APS" or "Company") filed with the Arizona Corporation Commission ("Commission") the above-captioned Rate Case Application.

Parties to this docket are APS, the Commission's Utilities Division ("Staff"), Richard Gayer; Patricia Ferré; Warren Woodward; IO Data Centers, LLC ("IO"); Freeport Minerals Corporation ("Freeport"); Arizonans for Electric Choice and Competition ("AECC"); Sun City Home Owners Association ("Sun City HOA"); Western Resource Advocates ("WRA"); Arizona Investment Council ("AIC"); Arizona Utility Ratepayer Alliance ("AURA"); Property Owners and Residents Association of Sun City West ("PORA"); Arizona Solar Energy Industries Association ("AriSEIA"); Arizona School Boards Association ("ASBA") and Arizona Association of School Business Officials ("AASBO") (collectively "ASBA/AASBO"); Cynthia Zwick; Arizona Community Action Association ("ACAA"); Southwest Energy Efficiency Project ("SWEEP"); the Residential Utility Consumer Office ("RUCO"); Vote Solar; Electrical District Number Eight and McMullen Valley Water Conservation & Drainage District (collectively, "ED8/McMullen"); The Kroger Co. ("Kroger"); Tucson Electric Power Company ("TEP"); Pima County; Solar Energy Industries Association ("SEIA"); the Energy Freedom

1 Coalition of America ("EFCA"); Wal-Mart Stores, Inc. and Sam's West, Inc. (collectively,
2 "Walmart"); Local Unions 387 and 769 of the International Brotherhood of Electrical Workers, AFL-
3 CIO (collectively, "the IBEW Locals"); Calpine Energy Solutions LLC ("Calpine Solutions")(formerly
4 Noble Energy Solutions, LLC); the Arizona Competitive Power Alliance ("the Alliance"); Electrical
5 District Number Six, Pinal County, Arizona ("ED 6"), Electrical District Number Seven of the County
6 of Maricopa, State of Arizona ("ED7"), Aguila Irrigation District ("AID"), Tonopah Irrigation District
7 ("TID"), Harquahala Valley Power District ("HVPD"), and Maricopa County Municipal Water
8 Conservation District Number One ("MWD") (collectively, "Districts"); the Federal Executive
9 Agencies ("FEA"); Constellation New Energy, Inc. ("CNE"); Direct Energy, Inc. ("Direct Energy");
10 AARP; the City of Coolidge ("Coolidge"); REP America d/b/a ConservAmerica ("ConservAmerica");
11 and Granite Creek Power & Gas and Granite Creek Farms LLC (collectively, "Granite Creek").

12 On June 14, 2016, APS filed a Notice of Errata.

13 On June 23, 2016, APS filed its Second Notice of Errata.

14 On July 22, 2016, a Rate Case Procedural Order was issued setting the procedural schedule and
15 associated procedural deadlines for this matter, granting several interventions, and granting several
16 requests to receive service by email.

17 On August 1, 2016, a Procedural Order was issued granting Staff's request to consolidate the
18 above-captioned dockets,¹ correcting typographical errors in the July 22, 2016 Rate Case Procedural
19 Order, granting interventions, and granting requests to receive service by email.

20 On August 9, 2016, a Procedural Order was issued granting certain interventions, approving
21 certain requests for service by email, and modifying the form of notice required by the July 22, 2016
22 Rate Case Procedural Order.

23 On July 21, 2016, August 24, 2016, September 30, 2016, November 4, 2016, November 18,
24 2016, and November 21, 2016, APS filed copies of presentations from their Rate Case Technical
25 Conferences.

26 On September 13, 2016, APS filed its certification that public notice of this proceeding was
27

28 ¹ Docket No. E-01345A-16-0123 was opened on April 11, 2016.

1 provided as directed in the Rate Case Procedural Order issued July 22, 2016, as modified by the
2 Procedural Order issued August 9, 2016.

3 On October 14, 2016, a Procedural Order was issued granting APS's October 6, 2016 Motion
4 for Procedural Conference and Interim Protective Order, which it filed in response to EFCA's October
5 3, 2016 Notice of Deposition of Barbara D. Lockwood.

6 On October 20, 2016, a procedural conference was held as scheduled by the Procedural Order
7 issued October 14, 2016. APS, EFCA, TEP, Walmart, Freeport Minerals, AECC, Noble Solutions,
8 CNE, Direct Energy, PORA, the Alliance, RUCO, and Staff appeared at the procedural conference
9 through counsel or lay representative. During the procedural conference, APS, Noble Solutions, CNE,
10 Direct Energy, EFCA, and Staff provided comments and arguments regarding discovery issues, and
11 the matter was taken under advisement.

12 On October 21, 2016, a Procedural Order was issued rescheduling the date of the pre-hearing
13 conference in this matter to March 13, 2017.

14 On November 17, 2016, a Procedural Order was issued setting procedural deadlines regarding
15 the deposition of APS witness Barbara Lockwood.

16 On November 30, 2016, EFCA filed a Notice of Deposition of Barbara D. Lockwood. The
17 Notice indicated that EFCA and APS settled upon December 15, 2016, at 9:00 a.m. as the date and
18 time of the deposition.

19 On December 5, 2016, EFCA made three filings in regard to its Emergency Motion to Compel
20 Production of Barbara Lockwood Calendar in Advance of Lockwood Deposition.

21 On December 7, 2016, APS filed its Response in Opposition to EFCA's Motion to Compel.

22 On December 7, 2016, APS filed its Motion to Compel.

23 On December 7, 2016, Mr. Gayer filed his Direct Testimony.

24 On December 12, 2016, EFCA filed a Reply in Support of its Motion to Compel.

25 On December 12, 2016, EFCA filed its Emergency Motion to Compel Production of Report
26 Regarding Rate Impact.

27 On December 13, 2016, by Procedural Order, EFCA's Motion to Compel Production of Barbara
28 Lockwood's Calendar was denied and EFCA was ordered to file, no later than December 16, 2016, its

1 Response to Arizona Public Service Company's December 7, 2016 Motion to Compel.

2 On December 13, 2016, EFCA filed a Notice of Withdrawal of its Emergency Motion to
3 Compel Production of Report Regarding Rate Impact.

4 On December 14, 2016, Sunrun, Inc. filed a Notice of Withdrawal as Intervenor.

5 On December 14, 2016, Patricia Lee Refo of Snell & Wilmer LLP filed a Notice of Appearance
6 on behalf of APS.

7 On December 19, 2016, EFCA filed its Response to the Motion to Compel filed by APS.

8 On December 19, 2016, Staff filed a Request for Extension of Filing Deadline.

9 On December 20, 2016, the IBEW Locals filed the Direct Testimony of G. David Vandever.

10 On December 21, 2016, the FEA filed the Direct Testimony of its witnesses Brian C. Andrews
11 and Michael P. Gorman.

12 On December 21, 2016, Mr. Woodward filed his Direct Testimony.

13 On December 21, 2016, a Procedural Order was issued extending the deadline for the filing of
14 Intervenor Direct Testimony to December 28, 2016, approving the request of Sunrun, Inc. to withdraw
15 as an intervenor, and approving SEIA's consent to email service request.

16 On December 22, 2016, ConservAmerica filed the Direct Testimony of its witness Paul Walker.

17 On December 22, 2016, RUCO filed the Direct Testimony of its witnesses John Cassidy and
18 Frank Radigan.

19 On December 27, 2016, Mr. Woodward filed his Motion to Compel APS to Fully Answer Data
20 Requests ("First Motion to Compel").

21 On December 27, 2016, APS filed its Reply to EFCA's Response to APS's Motion to Compel.

22 On December 27, 2016, CNE and Direct Energy each filed a Consent to Email Service.

23 On December 28, 2016, AIC filed the Direct Testimony of its witness Branko Terzic.

24 On December 28, 2016, ED8/McMullen filed the Direct Testimony of their witness James D.
25 Downing.

26 On December 28, 2016, AECC filed the Direct Testimony of its witness Kevin Higgins.

27 On December 28, 2016, Wal-Mart filed the Direct Testimony of its witness Gregory W.
28 Tillman.

1 On December 28, 2016, SWEEP filed the Direct Testimony of its witness Jeff Schlegel.

2 On December 28, 2016, EFCA filed the Direct Testimony of its witness Mark E. Garrett.

3 On December 28, 2016, Staff filed the Direct Testimony of its witnesses Ralph Smith, David
4 Parcell, Michael Lewis, and Candrea Allen.

5 On December 29, 2016, APS filed its Notice of Intent of Revenue Requirement Settlement
6 Discussions.

7 On December 30, 2016, APS filed its Notice of Filing Supplemental Testimony, to which was
8 attached the Supplemental Direct Testimonies of Jeffrey M. Burke and Charles A. Miessner, which
9 address APS's proposed valuation of distributed generation exports using the Resource Comparison
10 Proxy ("RCP") Methodology.

11 On December 30, 2016, EFCA filed its Sur-Response to APS's Motion to Compel; Motion to
12 Strike Reply Brief; and Notice of Lodging Sur-Response.

13 On December 30, 2016, EFCA filed its Notice of Deposition of Charles A. Miessner.

14 On December 30, 2016, EFCA filed its Notice of Deposition of Leland R. Snook.

15 On December 30, 2016, APS filed its Response to Mr. Woodward's First Motion to Compel.

16 On January 3, 2017, Mr. Woodward filed his Reply to APS's Response to his First Motion to
17 Compel.

18 On January 4, 2017, APS filed its Response to EFCA's Motion to Strike Reply Brief and Notice
19 of Lodging Sur-Response.

20 On January 5, 2017, APS filed a Motion for Protective Order.

21 On January 6, 2017, EFCA filed its Response to APS's Motion for Protective Order.

22 On January 6, 2017, EFCA filed its Emergency Motion for Expedited Consideration Regarding
23 EFCA's Response to APS's Motion for Protective Order.

24 On January 6, 2017, EFCA filed its Amended Notice of Deposition of Leland R. Snook.

25 On January 6, 2017, Staff filed its Notice of Time and Location for Settlement Discussions.

26 On January 9, 2017, Vote Solar filed its Expedited Motion to Strike and for Procedural Order.

27 On January 9, 2017, a Procedural Order was issued setting a procedural conference for the dual
28 purpose of addressing the issue of incorporating the RCP Methodology into this proceeding, as directed

1 by Decision No. 75859 (January 3, 2017); and for hearing oral argument on APS's Motion for
2 Protective Order, and on responsive pleadings.

3 On January 10, 2017, Mr. Gayer docketed a supplement to his Direct Testimony.

4 On January 11, 2017, the procedural conference convened as scheduled. Appearances were
5 entered by counsel for APS, AIC, ASDA, Vote Solar, SEIA, EFCA, IO, the Alliance, the FEA,
6 ED8/McMullen, PORA, RUCO, and Staff.

7 On January 13, 2017, a Procedural Order was issued rescheduling the hearing date in this
8 matter, along with associated procedural deadlines, in order to facilitate the incorporation of the RCP
9 Methodology into this proceeding pursuant to Decision No. 75859; denying Vote Solar's Motion to
10 Strike; and Granting APS's Motion for Protective Order in regard to EFCA's Notices of Deposition of
11 APS witnesses Leland R. Snook and Charles A. Miessner.

12 On January 13, 2017, EFCA filed its Amended Notice of Deposition of Charles A. Miessner.

13 On January 13, 2017, EFCA filed its second Amended Notice of Deposition of Leland R.
14 Snook.

15 On January 18, 2017, PORA filed a request to allow Mr. Robert Miller, PORA Director and
16 Chair of Utilities Liaison Committee, to appear and represent PORA as an alternative designee to act
17 "with or in the stead or absence of" PORA's representatives Albert Gervenack and Rob Robbins in this
18 proceeding ("PORA's Request").

19 On January 18, 2017, a Procedural Order was issued clarifying that public comment will be
20 taken commencing at 10:00 a.m. on March 22, 2017, which was the publicly noticed first day of hearing
21 in this matter; that the evidentiary portion of this proceeding will commence at 10:00 a.m. on April 24,
22 2017; and that parties who wish to participate in the hearing are required to attend the April 20, 2017
23 pre-hearing conference, which is scheduled to commence at 2:00 p.m.

24 On January 18, 2017, EFCA filed its Motion for Reconsideration of the Approval of APS's
25 Motion for Protective Order.

26 On January 19, 2017, Mr. Woodward filed his Motion to Compel APS to Fully Answer
27 Woodward's Data Request #2.19 ("Second Motion to Compel").

28 On January 19, 2017, EFCA filed a Motion to Associate Counsel Pro Hac Vice.

1 On January 19, 2017, Commissioner Burns filed correspondence.

2 On January 20, 2017, APS filed its Response to Mr. Woodward's Second Motion to Compel.

3 On January 25, 2017, Mr. Woodward filed a Reply to APS's January 20, 2017 Response.

4 On January 27, 2017, Coolidge filed the Direct Testimony of its witness Rick Miller.

5 On January 27, 2017, Kroger filed the Direct Testimony of its witness Stephen J. Baron on Cost
6 of Service and Rate Design issues.

7 On January 30, 2017, Calpine filed notice of its name change (from Noble Americas Energy
8 Solutions, LLC). The service list in this matter has been updated to reflect the new name.

9 On January 31, 2017, Freeport and AECC filed a request to remove C. Webb Crockett from
10 the service list in this matter, and the name has been removed, per the request. However, a change to
11 the designated email address for Freeport and AECC will require further action in the form of a new
12 Consent to Email filing and an email sent from the new designated email address for verification
13 purposes.

14 On February 3, 2017, PORA filed the Direct Testimony of its witness Al Gervenack.

15 On February 3, 2017, the FEA filed the Direct Testimony of its witness Amanda M. Alderson.

16 On February 3, 2017, Walmart filed the Direct Testimony of its witness witnesses Gregory W.
17 Tillman and Chris Hendrix.

18 On February 3, 2017, AIC filed the Direct Testimony of its witnesses Gary Yaquinto, Branko
19 Terzic and Daniel G. Hansen.

20 On February 3, 2017, RUCO filed the Direct Testimony of its witnesses Frank Radigan and
21 Lon Huber.

22 On February 3, 2017, Vote Solar filed the Direct Testimony of its witness Briana Kobor.

23 On February 3, 2017, ACAA filed the Direct Testimony of its witness Cynthia Zwick.

24 On February 3, 2017, SWEEP filed the Direct Testimony of its witness Jeff Schlegel.

25 On February 3, 2017, SEIA filed the Direct Testimony of its witness R. Thomas Beach.

26 On February 3, 2017, EFCA filed the Direct Testimony of its witnesses James A. Heidell and
27 Mark E. Garrett.

28 On February 3, 2017, Freeport, AECC, Calpine, CNE, and Direct Energy filed the Direct

1 Testimony of their witness Kevin C. Higgins.

2 On February 3, 2017, AURA filed the Direct Testimony of its witnesses Patrick J. Quinn and
3 Scott Rubin.

4 On February 3, 2017, ConservAmerica filed the Direct Testimony of its witness Paul Walker.

5 On February 3, 2017, Staff filed the Direct Testimony of its witnesses Ralph C. Smith and Matt
6 Connolly.

7 On February 6, 2017, a Procedural Order was issued granting Mr. Woodward's First Motion to
8 Compel, granting PORA's Request for authorization of Robert Miller to represent PORA as an
9 additional lay representative in this matter, and admitting Curt Ledford to appear *pro hac vice* in this
10 matter.

11 On February 7, 2017, Walmart filed a Notice of Errata in filing the Direct Testimony of Gregory
12 W. Tillman and Chris Hendrix (Rate Design).

13 On February 7, 2017, the IBEW Locals filed a Motion for Extension of Time and the Direct
14 Testimony of David Vandever.

15 On February 7, 2017, Commissioner Burns filed correspondence.

16 On February 9, 2017, Mr. Woodward filed a Motion for Clarification.

17 On February 9, 2017, APS filed a Notice of Non-Objection to IBEW Locals' Motion for
18 Extension of Time.

19 On February 9, 2017, APS filed a Response to Mr. Woodward's Motion for Clarification.

20 On February 16, 2017, Karen White, counsel for the FEA, filed a Motion to Associate Counsel
21 Pro Hac Vice.

22 On February 21, 2017, Commissioner Tobin filed correspondence.

23 On February 22, 2017, Chairman Forese filed correspondence.

24 On February 22, Commissioner Burns filed correspondence.

25 On February 24, 2017, APS filed a Request for Extension of Time, and requested expedited
26 consideration.

27 Numerous public comments have been filed.

28 ...

1 APS's Motion to Compel

2 Following the responsive and reply filings by EFCA and APS regarding APS's Motion to
3 Compel, the data request dispute has been narrowed to APS Data Requests 1.1, 1.4(a-b), 1.5, and 1.6.
4 This dispute will be addressed in a subsequent Procedural Order.

5 Mr. Woodward's Motion for Clarification

6 The February 6, 2017 Procedural Order required APS to provide available data to Mr.
7 Woodward in response to his data requests 2.1-2.8, 2.14, 2.15, 2.21, 2.22, 2.32.c, 2.36, and 2.38
8 ("Supplemental Responses"). In his First and Second Motions to Compel, Mr. Woodward requested
9 that he be allowed to amend his previously filed Direct Testimony with an Addendum to include the
10 subject matter and issues in the Supplemental Responses. The Procedural Order stated that if APS
11 wishes to provide additional expert testimony on the issues in Mr. Woodward's First Motion to
12 Compel, it could propose a procedural schedule prior to the hearing.

13 Mr. Woodward filed a Motion for Clarification, stating that once he receives APS's
14 Supplemental Responses as directed by the February 6, 2017 Procedural Order, he may wish to amend
15 his previously filed Direct Testimony to include the subject matter and issues addressed in the
16 Supplemental Responses. In APS's Response to Mr. Woodward's Motion, APS stated that it does not
17 object to Mr. Woodward's request, and requests that it also be granted leave to likewise supplement its
18 Rebuttal Testimony (currently due February 24, 2017).

19 The requests by Mr. Woodward and APS are reasonable and should be granted. Neither party
20 proposed a deadline for the proposed amendments to prefiled testimony. It is reasonable to allow 21
21 calendar days following delivery of APS's Supplemental Responses for the filing of any Amendment
22 to Direct Testimony, and 14 calendar days following the filing of any such Amendment to Direct
23 Testimony for APS to file any Amendment to its Rebuttal Testimony. Staff and other Intervenors may
24 also file an Amendments to their Direct Testimony based on the Supplemental Responses, if they so
25 wish.

26 FEA's Motion to Associate Counsel *Pro Hac Vice*

27 The Motion filed by Karen S. White requesting authority to associate Lanny L. Zieman and
28 Natalie A. Cepak *pro hac vice* as counsel for FEA in this matter lists Ms. White as the designated

1 member of the Arizona State Bar with whom communication may be made, and upon whom papers
2 should be served. Attached to the filing is a copy of the verified Application for Appearance *Pro Hac*
3 *Vice* filed with the State Bar of Arizona for Mr. Zieman and Ms. Cepak; a copy of the certificates of
4 good standing from the jurisdictions in which they have been admitted to practice law; and copies of
5 the Notices of Receipt of Complete Application from the State Bar of Arizona.

6 In the discretion of the Commission, Mr. Zieman and Ms. Cepak should be permitted to appear
7 and participate *pro hac vice* in this matter on behalf of FEA.

8 APS Request for Extension of Time

9 In its Request for Extension of Time, which it signed on behalf of APS, RUCO, and Staff ("Joint
10 Parties"), APS states that it has been actively engaged in settlement discussions with all parties over
11 the past six weeks, working toward achieving a comprehensive settlement of this case. The Joint
12 Parties request that APS be granted an additional week (to March 3, 2017), to file its Rebuttal
13 Testimony (currently due February 24, 2017), so that it may continue to focus on the ongoing settlement
14 negotiations. The Joint Parties agree that the extension of time should not impact the start date of the
15 hearing in this matter, and that while they were unable to contact every party to this case, the large
16 number of parties they did reach have not objected to the Request for Extension of Time.

17 Under the circumstances, the request of the Joint Parties is reasonable and should be granted.

18 IT IS THEREFORE ORDERED that APS is hereby granted an additional week, to March 3,
19 2017, by 4:00 p.m., to file the Rebuttal Testimony of its witnesses in this proceeding.

20 IT IS FURTHER ORDERED that all remaining procedural deadlines in this matter shall remain
21 in place.

22 IT IS FURTHER ORDERED that Mr. Woodward, Staff, and any intervenor shall file any
23 Amendment to its Direct Testimony related to APS's Supplemental Responses (as directed by the
24 February 6, 2017 Procedural Order) within 21 calendar days following APS's delivery of those
25 Supplemental Responses.

26 IT IS FURTHER ORDERED that if Mr. Woodward, Staff, or any Intervenor timely files any
27 Amendment to Direct Testimony related to APS's Supplemental Responses, APS shall file, within 14
28 calendar days of that filing, any Amendment to its Rebuttal Testimony related to those Amendments

1 to Direct Testimony.

2 IT IS FURTHER ORDERED that Lanny L. Zieman and Natalie A. Cepak are hereby admitted
3 *pro hac vice* in the above-captioned matter.

4 IT IS FURTHER ORDERED that the request for an extension of time filed by the IBEW Locals
5 is hereby granted.

6 IT IS FURTHER ORDERED that each party or prospective party shall **refer to the Rate Case**
7 **Procedural Order** issued in this matter on **July 22, 2016**, for additional information regarding the
8 process to consent to service by email. Information regarding Consent to Email Service is also
9 available on the Commission's website (www.azcc.gov) by clicking on "Email Service Consent."

10 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or
11 waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
12 hearing.

13 DATED this 21st day of February, 2017.

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16 TEENA JIBILIAN
17 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE
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On this 24th day of February, 2017, the foregoing document was filed with Docket Control as a Procedural Order – Grants a Miscellaneous Motion/Request, and copies of the foregoing were mailed on behalf of the Hearing Division to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link to the foregoing to the following who have consented to email service.

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